IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1331 (S/S) of 2001
Old Number
Writ Petition No. 40204 of 1993

Sri Khalil Ahmed,
Son of Sri Mohammad Ismail,
Resident of Narsingh Bari,
Almora. **……Petitioner**

Versus

1. The State of Uttar Pradesh.
2. The District Magistrate, Almora.
3. Sri Vinay Singh Kunjwal, S/o Tilak Singh, R/o Mohalla – Talla Daniya, Almora, District – Almora.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri M. C. Pandey, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, petitioner has prayed for the following reliefs:

(a) issue a writ, order or direction in the nature of Mandamus directing the respondent no. 2 to regularize the services of the petitioner as an Electrician.

(b) issue a writ, order or direction in the nature of Mandamus directing the respondent no. 2 to pay the salary of the petitioner treating him as an Electrician.

(c) issue any other and further writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

(d) award the costs of the petition to the petitioner.

The petitioner was appointed as Electrician with the respondents department as stop gap arrangement, as such, no order for regularization of the petitioner's services on the post of Electrician can be passed in view of Hon'ble Apex Court's Judgment reported in 2006 (4) SCC 1 (Secretary, State of Karnataka Vs. Uma Devi).

However, so far as second prayer of the petitioner is concerned for making payment of salary for the post of Electrician, respondents are directed to take decision in this regard and shall pay the salary to the petitioner for the period for which he has worked with the department and salary has not been paid, if petitioner is entitled to get the salary.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 02, 2006
SKSharma